

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

ALBERT ROMO,

Plaintiff,

CASE NO. 06-CV-14777

v.

DISTRICT JUDGE THOMAS LUDINGTON
MAGISTRATE JUDGE CHARLES BINDER

R. JAMES NICHOLSON
Secretary of Veterans Affairs,

Defendant.

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

I. RECOMMENDATION

For the reasons set forth below, **IT IS RECOMMENDED** that Plaintiff’s complaint be **DISMISSED WITH PREJUDICE**.

II. REPORT

Plaintiff filed this Title VII action *pro se* on October 23, 2006. (Dkt. 1.) On November 20, 2006, the case was referred to this Magistrate Judge for pretrial proceedings. (Dkt. 2.) On October 5, 2007, the *pro se* Plaintiff filed a handwritten document entitled “Motion to Dismiss” which states: “I would like to dismiss all charges against R. James Nicholson Secretary of Veterans Affairs immediately.” (Dkt. 15.) The Defendant has filed a response (Dkt. 16) requesting that any dismissal be with prejudice. On October 26, 2007 (Dkt. 17), the Court gave Plaintiff notice that if he did not indicate his intention to withdraw his request for dismissal before November 9, 2007,

the case would be dismissed with prejudice. To date, Plaintiff has failed to so notify the court. Accordingly, I suggest that the Court dismiss this case with prejudice.

III. REVIEW

The parties to this action may object to and seek review of this Report and Recommendation within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed.2d 435 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

s/ Charles E Binder
CHARLES E. BINDER
United States Magistrate Judge

Dated: November 13, 2007

CERTIFICATION

I hereby certify that this Report and Recommendation was electronically filed this date, electronically served on Janet Parker, and on Albert Romo by first class mail, and served on U.S. District Judge Ludington in the traditional manner.

Date: November 13, 2007

By s/Patricia T. Morris
Law Clerk to Magistrate Judge Binder